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**COMBINED DECLARATION AND POWER OF ATTORNEY**

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL, CONTINUATION OR CIP)

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As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is of the following type:

- ☒ original
- ☐ design
- ☐ supplemental
- ☐ national stage of PCT
- ☐ divisional
- ☐ continuation
- ☐ continuation-in-part (CIP)

**INVENTORSHIP IDENTIFICATION**

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

PROXIMITY SERVICE PROVIDER SYSTEM

## SPECIFICATION IDENTIFICATION

the specification of which:

- (a) ☒ is attached hereto.
- (b) ☐ was filed on \_\_\_\_\_, as ☐ Serial No. \_\_\_\_\_, or ☐ Express Mail No. \_\_\_\_\_, as Serial No. not yet known, and was amended on \_\_\_\_\_ (if applicable).
- (c) ☐ was described and claimed in PCT International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_ (if any).

## ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56,

I acknowledge the duty to disclose information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application, if applicable, and which is material to patentability as defined in 37 CFR § 1.56,

(also check the following items, if desired)

- ☒ and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent, and
- ☐ in compliance with this duty there is attached an information disclosure statement in accordance with 37 CFR § 1.98.

# CLAIM FOR BENEFIT UNDER 35 U.S.C. § 120

I hereby claim the benefit under Title 35, United States Code, Section 120, of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information that is material to the examination of this application, namely, information where there is substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent, which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. § 119(e):					
U.S. APPLICATIONS			Status (check one)		
U.S. SERIAL NO.	U.S. FILING DATE	PATENTED	PENDING	ABANDONED	
60/161,883	10/27/99		X		
60/186,874	03/03/00		X		
PCT APPLICATIONS DESIGNATING THE U.S.					
PCT APPLN. NO.	PCT FILING NO.	U.S. SERIAL NO.			

## FOREIGN PRIORITY CLAIM UNDER 35 U.S.C. § 119

(complete one of the following)

- [X] I claim no foreign priority benefits under Title 35 U.S.C. § 119 of foreign application(s) for patent or inventor's certificate or of any PCT international application; or
- [ ] I claim foreign priority benefits under Title 35 U.S.C. § 119, as indicated in  
ADDED PAGE FOR FOREIGN PRIORITY CLAIM UNDER 35 U.S.C. § 119  
attached hereto as Exhibit 1.

## POWER OF ATTORNEY

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Jerry J. Dunlap, Reg. No. 17,146; Charles A. Coddington, Reg. No. 25,099; Christopher W. Corbett, Reg. No. 36,109; Nicholas D. Rouse, Reg. No. 36,992; Glen M. Burdick, Reg. No. 24,230; Marc A. Brockhaus, 40,923; Douglas J. Sorocco, Reg. No. 43,145; Richard A. Nelson, P-45,995, and Kathryn Hester, Reg. No. P-46,768; all of the firm of DUNLAP, CODDINGTON & ROGERS, P.C., 9400 North Broadway, Suite 420, Oklahoma City, Oklahoma 73114.

Address all correspondence to: Marc A. Brockhaus, Reg. No. 40,923  
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## DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## SIGNATURES

Full Name of Sole  
or First Inventor:

Charles C. Freeny, Jr.

Inventor's Signature:

\_\_\_\_\_

Date of Signature:

\_\_\_\_\_

Residence and  
Post Office Address:

414 Oak View, Grand Praire, Texas 75050

\_\_\_\_\_

Country of Citizenship:

U.S.A.

\_\_\_\_\_

Applicant & Patente : Charles C. Freeny, Jr.  
Attorney Dock t No.: 2551.026  
Serial or Pat nt No.: Not Yet Assigned  
Filed or Issued: Herewith  
For: PROXIMITY SERVICE PROVIDER SYSTEM

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(b)) - INDEPENDENT INVENTOR

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled: PROXIMITY SERVICE PROVIDER SYSTEM, described in:

- ☒ the specification filed herewith;  
☐ application Serial No. \_\_\_\_\_, filed \_\_\_\_\_;  
☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(a).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☐ no such person, concern, or organization  
☒ persons, concerns or organizations listed below

NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).


NAME: AUTOMATED BUSINESS COMPANIES, INC.  
ADDRESS: 3575 Beltline Road, Suite 363, Irving, Texas 75062  
☐ INDIVIDUAL ☒ SMALL BUSINESS ☐ NONPROFIT

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)). I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statements is directed.

Name of Inventor:

Charles C. Freeny, Jr.

Signature of Inventor:



Date of Signature:

10-27-99